

1 THE HONORABLE MARSHA J. PECHMAN
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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 SEATTLE DIVISION

10 REC SOFTWARE USA, INC., a Virginia
11 corporation

Case No. 14-cv-01025-MJP

12 Plaintiff/Counter-Defendant,

13 v.
14
15 **PLAINTIFF'S ANSWER TO
16 DEFENDANT'S COUNTERCLAIMS**

17 HTC AMERICA, INC., a Washington
18 corporation

19 Defendant/Counter-Plaintiff.

20 Plaintiff REC SOFTWARE USA, INC., (“REC”) hereby answers the counterclaims set
21 forth in defendant's Answer to Complaint and Counterclaims, as follows:

22 **COUNTERCLAIMS**

23 **JURISDICTION AND VENUE**

24 1. Admitted.

25 2. Admitted.

26 3. Admitted.

27 **PARTIES**

28 4. Admitted.

29 5. Admitted.

**FIRST CLAIM FOR RELIEF: DECLARATORY JUDGMENT OF
NONINFRINGEMENT OF THE '936 PATENT**

6. REC repeats and re-alleges each of the answers contained in paragraphs 1 through 5 above as if fully set forth herein.

7. REC admits that it has asserted claims that HTC infringes the '936 Patent. REC admits that HTC denies infringement.

8. Denied.

9. REC admits that defendant seeks the relief alleged in paragraph 9, but denies that defendant is entitled to any relief. REC denies that defendant has not infringed the '936 Patent.

**FIRST CLAIM FOR RELIEF: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '936 PATENT**

10. REC repeats and re-alleges each of the answers to counterclaims contained in paragraphs 1 through 9 above as if fully set forth herein.

11. REC admits that it has asserted claims that HTC infringes the '936 Patent. REC admits that HTC denies infringement.

12. Denied.

13. REC admits that defendant seeks the relief alleged in paragraph 13, but denies that defendant is entitled to any relief. REC denies that the claims of the '936 Patent are invalid.

AFFIRMATIVE DEFENSES

12. Defendant's counterclaims fail to state a claim upon which relief can be granted.

PRAYER FOR RELIEF

Wherefore, having fully answered defendant's counterclaims, REC prays for relief as follows:

- A. That defendant's counterclaims be dismissed with prejudice;
- B. That judgment be entered granting the relief requested in REC's Complaint;

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**PLAINTIFF'S ANSWER TO
DEFENDANT'S COUNTERCLAIMS (14-cv-01025-MJP)**

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- C. That REC be awarded its costs in this action; and
- D. For such other relief as this Court may deem proper.

DATED this 6th day of October, 2014.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

By: s/Timothy S. DeJong
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Attorneys for Plaintiff/Counter-Defendant REC Software USA, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2014 I caused to be electronically filed the foregoing **PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIMS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to registered CM/ECF participants.

DATED this 6th day of October, 2014.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

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